



**APPENDIX.**

Extract from deposition of J. George Wright, aged 81, taken on behalf of respondent at Washington, D. C., June 16, 1941 (Typewritten R. pp. 56-57, 59-63).

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2Q. What was your position at the time the townsites were surveyed, platted and appraised, the Creek townsites?

A. In 1898 I was assigned to the Indian Territory as Inspector in charge of the Five Civilized tribes, and was in that position when the town Commissioners were appointed.

3Q. You mean the Creek townsite Commissioners?

A. Yes, sir.

4Q. Do you remember the names of those Creek townsite Commissioners?

A. Tuttle, Adams and Marshall.

5Q. Do you recall what your duties were in connection with the appraisals of the Creek townsites?

A. They were made under my supervision, and a short time after that the question arose as to what extent that supervision would be, and I discussed it with the Secretary as to whether I was to supervise their appraisalment, or other work in ascertaining the appraisalment, and if I was expected to go in the field to check them up, to see whether those appraisalments were correct. I asked him if that was necessary. I told him that it would take up a great deal of my time.

6Q. You were speaking then to the Secretary of the Interior?

A. Yes. He told me he was not concerned with the methods of procedure that the Commission should take to ascertain their appraisalment, and it would not be necessary to give that supervision to check them up; check their appraisalment, and to go into the field to ascertain the methods of that work; that the law contemplated or provided that the Commissioners were to be the sole judges of the appraisalments; that the law provided that they should make their appraisalments without suggestion or supervision.

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20Q. Now, after the lots had been appraised and the appraisals listed on sheets of paper, what was done with them?

A. A schedule was submitted to my office and we checked with the plats, townsite plats, so that every lot was accounted for, and then they were forwarded to Washington, where there was no objection filed or any fraud indicated, that the townsite Commission had agreed on the appraisement and it had been approved by them.

By Mr. Niebell:

21Q. The Secretary then acted on those appraisals, did he?

A. Yes, sir.

By Mr. Stearns:

22Q. What was his action? Do you recall what he did?

A. He approved them.

23Q. And then what happened to the schedules?

A. They were sent back to our office, transferred over to the Indian Agent's office and sent to the Commissioners, in order that they could deliver those schedules to the persons who were entitled to them, and who paid the money in installment, as required in the Indian Agent's office. And, as I recall, when the payments were completed deeds were prepared for the signature of the Principal Chief of the Creek Nation. My recollection is, in sending these schedules up, I indicated that the appraisement seemed to be low compared with the prices paid for occupancy rights prior to appraisement.

24Q. Did that apply to all the towns?

A. I don't think we referred to it as schedules for all the towns.

25Q. In other words, it applied only to the town of Muskogee?

Mr. Weidemeyer: You had better ask him what towns it applied to.

26Q. (Continuing:) What towns did that statement apply to?

A. Well, that procedure was followed in every town. But I don't think I stated in every letter that it was an ap-

praisal low in comparison. I stated that in the first instance and, of course, that condition followed, the same in every town. But I have no recollection of so stating it.

. . . . .

Cross-examination.

By Mr. Niebell:

34XQ. I understand that in your conference with the Secretary of the Interior concerning the manner and method used by the townsite commissioners and your supervision of their work, that he instructed you not to go into the field and check up on the appraisal?

A. Yes, sir.

35XQ. In other words, when the schedule came in from the townsite commission you checked the schedule with the plat and then sent it on to Washington for approval?

A. Yes, sir.

. . . . .

37XQ. A good many of these towns, Mr. Wright, were old towns, were they not?

A. Yes, sir.

38XQ. They had been established for years?

A. Some of them.

39XQ. Was there or was there not any dealing in occupancy rights before the fee simple title could pass? That is, the possessory right?

A. Yes, sir.

. . . . .

41XQ. Do you recall of any specific instances where the occupancy right or the possessory rights were sold before the schedule of appraisal was made?

A. That was the general practice.

. . . . .

45XQ. If the possessory right was an article of value would it not represent somewhat the valuation of the lot?

A. The Department, in the first schedule that was sent up, I stated the price was low considering the possessory right which the land sold for, but notwithstanding the statement I made, the Department approved it, as recommended by me.

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Extract from deposition of C. B. Lynch, taken on behalf of Defendant, taken at Tulsa, Oklahoma, on July 23, 1941. (Typewritten R. 152, 156-157).

Direct examination.

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Q. Do you recall when oil was discovered near or around Tulsa?

A. It was right around about 1900. I know where the first well was, but I wouldn't be positive as to what date it was. It was over here at Red Fork.

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Cross-examination.

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By Mr. Stearns:

Q. Did you understand the previous question to mean that to your knowledge Mr. McBirney and the rest of these names just given to you, had been involved in the dummy scheduling of lots in Tulsa?

A. Not to my knowledge, no. I just heard that they were filling in people's names who didn't live here.

By Mr. Weidemeyer:

Q. In other words, you mean they were not bona fide occupants that they filed them in the name of?

A. Yes, I know that the Town Site Commission advised the filing those lots to friends of yours out of town, and I was a party to that myself with the other boys, and they called me out just before they left,—I was secretary—and they said you can't file that in the name of this corporation

or company. Well, I said, they bought those lots and paid for them, and that was before segregation, I believed, and then when the segregation came along, I filed them and they told me to change it and I changed some of them myself, there wasn't but a few of them, and then later there was a suit brought in Muskogee, which was tried before Judge Campbell, and we took our records down and his ruling I believe you will find if you will look it up, was that when the Creek Nation refunded the money we had paid for those lots, he would send the title back to the Creek Nation, but not until that time, and they never did do that. Now he said if you had left those lots filed in your company name, they could have held you, but he said, I will have to take them away from you when they pay you your money, but they never did pay it and the stuff stood over here and was sold for taxes and everything, and we never did make a nickel out of it.

Q. But the Town Site Commission advised you to file them——

A. They told me personally that, they said, you file this thing in the name of some party, for the reason we don't think you can file for a corporation, and I thought they were telling me right.

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Extract from testimony of Lee Clinton, aged 64, taken on behalf of defendant at Tulsa, on July 23, 1941. (Type-written R. p. 141).

Cross-examination.

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Q. I think you testified as to the oil at Red Fork and the discovery of it, what date was that?

A. Red Fork was June 25, 1901.